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Mail Stop Amendment

Examiner: NGUYEN, John Quoc

Art Unit: 3654

FROM:

Kurt L. Ehresman

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Direct Dial: (717) 237-5458

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MESSAGE:

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Transmittel Form Certificate of Fax Transmittal Response Under 37 C.F.R. 1.111 (2 pages)

Attorney Docket No.: 21480-0001-U1 Application No.: 10/774,795

Filed: February 9, 2004

FAX NUMBER: (717) 237-5300

PARALEGAL RESPONSIBLE: Kimberly A. Newell

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			Application Number	10/774,79	5
TRANSMITTAL FORM (to be used for all correspondence after initial filling)			Filing Date	February 9, 2004	
			First Named Inventor	Sylvan YODER	
			Art Unit	3654	
			Examiner Name	NGUYEN, John Ouoc	
Total Number of Pages in This Submission		5	Attorney Docket Number	21480-000	D1-U1
			SURES (check all that apply)		
Fee Transmittal Form		Drawing(s)		After Allowance Communication to Group	
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Response to Missing Parts under 37 CFR 1.52 or 1.53					
	SIGNA	TURE OF	APPLICANT, ATTORNEY, C	R AGENT	***************************************
Fam or	McNees Wallace & Nurick LLC				
Individual name	Kurt L. Ehrosman, Attorney Reg. No. 50,758				
Signature					
Date October 24, 2005					
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Application No.: 10/774,795 Attorney Docket No.: 21480-0001-U1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

) Group Art Unit: 3654 In re Applicant of: Sylvan YODER

Examiner: NGUYEN, John Quoc Application No.: 10/774,795

) Atty. Docket No. 21480-0001-U1 February 9, 2004 Filed:

For: FENCE ROLLING APPARATUS AND METHODS

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. 1.111

Sir:

Applicant responds to the Office Action of October 3, 2005, which sets forth a restriction requirement. The statement of the restriction places the invention of Figs. 1-10 into species Group I and the invention of Figs. 11-14 into species Group II. Applicant hereby elects to prosecute the species of Group II, without traverse.

The Examiner has set forth the restriction by asserting that Figures 1-10 and Figures 11-14 are "patentably distinct species." As noted by the Examiner, independent claims 1 and 19 are generic, as is independent claim 23. All claims depend from those generic independent claims. All of claims 1-11 and 13-25 are directed to the elected species illustrated in Figures 11-14. Applicant submits that the only claim that is not directed to the elected invention is claim 12, directed to the horizontal embodiment of Figures 1-9. By way of further clarification, Figure 10 is directed to a generic fence roll that is compatible with both species.

Applicant submits that because the independent claims are generic, all claims should now be examined in the same application, pursuant to the various applicable statutes, regulations, and MPEP sections. Applicant asks that the Examiner initially

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Attorney Docket No.: 21480-0001-U1

-2-

examine claims 1-11 and 13-25, and withdraw the restriction requirement upon allowance of any of the generic claims.

Dated: October 24, 2005

Respectfully submitted,

McNees Wallace & Nurick LLC

Phone: (717) 237-5458 Fax: (717) 237-5300

Kurt L. Ehresman Reg. No. 50,758 100 Pine Street P.O. Box 1166 Harrisburg, PA 17108-1166

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Transmittal Form
Response Under 37 C.F.R. 1.111 (2 pages)
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Attorney Docket No.: 21480-0001-U1

Application No.: 10/774,795 Filed: February 9, 2004

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a bondit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including patheting, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trudemark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, OO NOT SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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